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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,854	01/28/2000	Charles Eric Hunter	**OO-0002	2737

23377 7590 09/16/2008

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/16/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to amendment filed on 07/17/2008. Claims 1-41 and 52--97 have been previously cancelled as part of non-elected claims. Claims 42-51 have been presently cancelled. Claims 98-122 are newly added and are pending examination.

***Election/Restrictions***

2. Newly submitted claim 98-122 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 98-122 are directed to a method and system including a user station for use in a music distribution system for distributing music to consumer locations at which user stations may be situated, wherein the music distribution system includes a data transmission system configured to blanket transmit a plurality of music content items to remote consumer locations in digital form, a central controller system configured to store addresses corresponding to remote consumer locations, a mechanism configured to verify to the controller system when a pre-selected music content item has been recorded at a remote consumer location, and a billing system configured to bill consumers for pre-selected music content items that have been recorded at the consumer's location, which is different in scope from the originally presented invention, claims 42-51, which are directed to a method and a system for recording music comprising a plurality of user stations, a control system blanket transmitting music, and a communications link.

3. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

on the merits. Accordingly, **claim 98-122** are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

4. The amendment filed on 07/17/2008 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The applicant has filed patentably distinct new claims. The amendment is not considered to be a bona fide attempt to advance prosecution to Final. It is suggested the applicant further prosecute the original set of claims or file a continuation on the new set of claims.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSSA A. SHAAWAT whose telephone number is (571)272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mussa A Shaawat/  
Examiner, Art Unit 3627  
September 10, 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627